THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 21349 of 2006

Date:17-07-2007

Between:

P.Balaraju

.. PETITIONER

AND

The S.H.O.P.,P.S.Jubilee Hills, Hyderabad and four others

…RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondent Nos.1 to 4 in not taking action against the 5th respondent in Cr.No.358 of 2006, dated 09.10.2006 under Section 3(1)(x) of S.C. & S.T. (Prevention of Atrocities) Act,1989, as illegal and arbitrary.

The first respondent initially filed counter on 17.10.2006 stating that the investigation will be completed as expeditiously as possible and the appropriate report will be filed before the concerned Court. He again filed additional counter on 14.07.2007 stating that the investigation is completed and the opinion of the concerned Public Prosecutor was obtained and the proposals were submitted to the Commissioner of Police, Hyderabad seeking orders to submit a final report as 'lack of evidence' under Section 173 Cr.P.C. and after receipt of the orders from the Commissioner of Police, a final report will be submitted in the concerned Court at the earliest.

Having regard to the facts of the case, the writ petition is disposed of directing the 3rd respondent to consider the report and take decision whether to accept or reinvestigate the case by taking expeditious steps. If a decision is taken to reinvestigate the case, the investigation shall be completed as expeditiously as possible and if a decision is taken to file the final report, the police shall serve the notice to the petitioner and simultaneously file the report before the concerned Court so as to enable the Court to pass appropriate orders under Section 159 Cr.P.C. and also to take appropriate action in accordance with law. No costs.

V.ESWARAIAH, J.

Date:17.07.2007
CCM